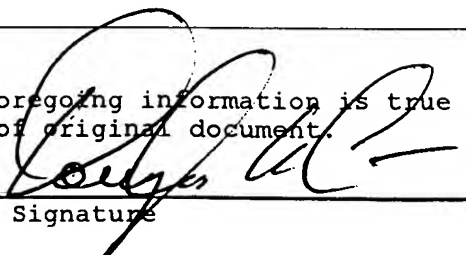


**RECORDATION FORM COVER SHEET
PATENTS ONLY**

To The Honorable Commissioner of Patents and Trademarks:
Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): Motohiro Kawahito Hideaki Komatsu John C. Whaley Additional name(s) of conveying party(ies) attached? <u> </u> Yes <u> X </u> No	2. Name and address of receiving party(ies): Name: International Business Machines Corporation Address: New Orchard Road Armonk, NY 10504 Additional name(s) & addresses attached? <u> </u> Yes <u> X </u> No
3. Nature of conveyance: <u> X </u> Assignment Execution Date(s): <u> </u>	4. Patent Application number(s) Execution Date(s): <u> </u>
5. Name and address of party to whom correspondence concerning document should be mailed: Name: Douglas W. Cameron Address: IBM Corporation Intellectual Property Law P.O. Box 218 Yorktown Heights, NY 10598	6. Total number of applications involved: 1 7. Total fee (37 CFR 3.41): \$40.00 <u> X </u> Charge to Deposit Account No.: <u>09-0468</u>

DO NOT USE THIS SPACE

8. Statement and signature. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of original document.		
<u>Douglas W. Cameron (Reg. No. 31,596)</u> Name of Person Signing	 Signature	<u>6/26/02</u> Date
Total Number of pages including cover sheet, attachments, and document:		<u>2</u>

DO NOT DETACH THIS PORTION

Mail documents to be recorded with required cover sheet information to:

Assistant Commissioner for Patents
Box Assignments
Washington, DC 20231

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, DC 20231, and to the Office of Management and Budget, Paperwork Reduction Project (0651-0011), Washington, DC 20503.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO. JP920000420US1

In re Application of:

M. KAWAHITO ET AL.

Serial No.: 10/085,455

Filed: February 27, 2002

For: **PROGRAM OPTIMIZATION
METHOD AND COMPILER USING
THE PROGRAM OPTIMIZATION
METHOD**

§

§

§

§

§

§

§

§

Examiner:

Art Unit: 2122

DECLARATION UNDER 37 C.F.R. § 147

Honorable Assistant Commissioner for Patents
Washington, DC 20231

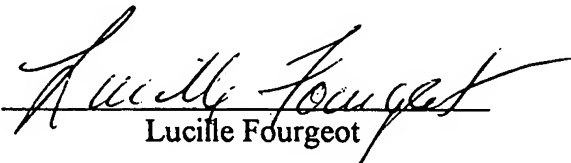
Sir:

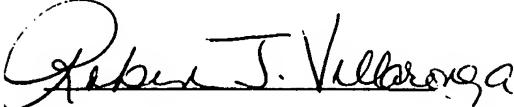
I, Lucille Fourgeot, a United States citizen residing at 36 Mahopac Avenue, Amawalk, New York 10501, United States of America, hereby declare as follows:

1. That I am currently employed by IBM in the position of Patent Administrator Specialist in the Intellectual Property Department.
2. That I routinely prepare documents relating to United States patent applications that require signatures of inventors.
3. That the inventor John C. Whaley signed an employment agreement with IBM on February 1, 1998.
4. That I prepared the Assignment and Declaration and Power of Attorney and that I mailed them to John C. Whaley at his current home address, 151 Calderon Avenue, No. 194, Mountain View, California 94041, for his signature on February 20, 2002 via Express Mail.
5. That on April 3, 2002 John C. Whaley sent me an electronic note (copy enclosed) indicating he received the Assignment and Declaration and Power of Attorney, and that he would sign them and return them to me that week.
6. That I have continued sending electronic mail to him indicating that I have not received the documents, but he still has not responded or returned the signed Declaration and Power of Attorney and the Assignment. The electronic mail that I sent to Mr. Whaley are as follows: June 24, 2002, June 14, 2002, June 10, 2002, May 17, 2002, May 9, 2002, April 17, 2002, April 3, 2002, April 3, 2002, March 26, 2002, March 21, 2002, February 20, 2002, and February 5, 2002, (copies enclosed).

- 7: That on June 17, 2002, I mailed a duplicate set of formal papers, the Declaraton and the Assignment, and sent them to Mr. Whaley at 151 Calderon Avenue, No. 194, Mountain View, California 94041 via the U.S. Postal Service, Certified Mail No. 7001 1940 0002 7123 1619, return receipt requested, and that I have not received the Assignment or the Declaration and Power of Attorney.
8. That on June 24, 2002 I attempted to call him at his office at Stanford University, California, on (650) 725-3720 to ask him to sign the Declaration and Power of Attorney and the Assignment and I was told that he would be in later. That I called again later and left a message on his answering machine to call me with regard to the return of the signed Declaration and Power of Attorney and the Assignment.
9. That I further declare that all statements made herein of my own knowledge and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code and that willful and false statement may jeopardize the validity of the above-referenced application and any patent issuing therefrom Further declarant sayeth not.

Sworn before me in the)
Town of Yorktown Heights,)
New York 10598, this 26th)
of June 2002.)


Lucille Fourgeot


Notary Public in
Westchester County
Town of Yorktown Hgts.,
New York 10598

ROBIN J. VILLARONGA
Notary Public, State of New York
Qualified in Dutchess County
Commission Expires ~~July 20, 2005~~
NOVEMBER 14, 2005.

Assignment

Whereas, we

of Kanagawa-ken
and Country of Japan

of Yokohama-shi
and Country of Japan

of Mountain View
and State of California

of
and State of

TITLE have invented certain improvements in
PROGRAM OPTIMIZATION METHOD AND COMPILER
USING THE PROGRAM OPTIMIZATION METHOD

and executed, respectively, a United States patent application therefor on

DATES THAT (1) June/13/ 2002 and (2) June/13/ 2002,
 INVENTORS (3) 2002 and (4) 2002
 SIGNED THE
 DECLARATION

Whereas, INTERNATIONAL BUSINESS MACHINES CORPORATION, a corporation of New York, having a place of business at Armonk, New York 10504, (hereinafter called IBM), desires to acquire the entire right, title and interest in the said application and invention, and to any United States and foreign patents to be obtained therefor;

Now therefore, for a valuable consideration, receipt whereof is hereby acknowledged, we, the above named, hereby sell, assign, and transfer to IBM, its successors and assigns, the entire right, title and interest in the said application and invention therein disclosed for the United States and foreign countries, and all rights of priority resulting from the filing of said United States application, and we request the Commissioner of Patents to issue any Letters Patent granted upon the inventions set forth in said applications to IBM, its successors and assigns; and we hereby agree that IBM may apply for foreign Letters Patent on said invention and we will execute all papers necessary in connection with the United States and foreign applications when called upon to do so by IBM.

Signed

CITY AND (1) at Yamato
DATE on June 13 / 2002,

Motohiro Kawahito SIGNATURE
(Motohiro Kawahito) INVENTOR
FIRST NAME MIDDLE INITIAL LAST NAME

CITY AND (2) at Yamato
on June 13 / 2002,

Hideshi Komatsu SIGNATURE
(Hideaki Komatsu) INVENTOR
FIRST NAME MIDDLE INITIAL LAST NAME

CITY AND (3) at
DATE on 2002.

(John C. Whaley) SIGNATURE
FIRST NAME MIDDLE INITIAL LAST NAME INVENTOR

CITY AND (4) at
DATE on 2002.

()
FIRST NAME MIDDLE INITIAL LAST NAME

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name:

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PROGRAM OPTIMIZATION METHOD AND COMPILER USING THE PROGRAM OPTIMIZATION METHOD

the specification of which (check one)

X is attached hereto.

_____ was filed on _____ as United States Application Number

 or PCT International Application Number _____
 and was amended on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application, having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

2001-055996	Japan	28/02/01	<u>X</u> Yes	No
(Number)	(Country)	(Day/Month/Year Filed)		
			Yes	No
(Number)	(Country)	(Day/Month/Year Filed)		
			Yes	No
(Number)	(Country)	(Day/Month/Year Filed)		

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

(Application Number)	(Filing Date)
(Application Number)	(Filing Date)

I hereby claim the benefit under 35 U.S.C. §120 of any United States Application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States, or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information material to the patentability of this application as defined in 37 CFR §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (list name and registration number).

Manny W. Schecter (Reg. 31,722), Kevin M. Jordan (Reg. 40,277), Christopher A. Hughes (Reg. 26,914), John E. Hoel (Reg. 26,279), Joseph C. Redmond, Jr. (Reg. 18,753), Marc A. Ehrlich, (Reg. 39,966), Derek S. Jennings (Reg. 41,473) Stephen C. Kaufman (Reg. 29,551), Richard M. Ludwin (Reg. 33,010), Robert P. Tassinari (Reg. 36,030), Robert M. Trepp (Reg. 25,933), Louis P. Herzberg (Reg. 41,500), Daniel P. Morris (Reg. 32,053), Paul J. Otterstedt (Reg. 37,411) Marian Underweiser (Reg. 46,134), Douglas W. Cameron (Reg. 31,596), Timothy M. Farrell (Reg. 37,321) and Gail H. Zarick (Reg. 43,303).

Send Correspondence to: Douglas W. Cameron, Intellectual Property Law Dept.IBM Corporation, P.O. Box 218, Yorktown Heights, New York 10598Direct Telephone Calls to: (name and telephone number) Douglas W. Cameron at (914) 945-3244Motohiro Kawahito

Full name of sole or first inventor

Motohiro KawahitoJune/13/2002

Inventor's Signature

Date

683-29 Kamitsuruma, Sagamihara-shi, Kanagawa-ken, Japan

Residence

Japan

Citizenship

Same as above.

Post Office Address

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

Hideaki Komatsu

Full name of second joint-inventor, if any

Hideaki Komatsu

June/13/ 2002

Inventor's signature

Date

1-24-5-1004 Kagahara, Tsuzuki-ku, Yokohama-shi, Japan

Residence

Japan

Citizenship

Same as above.

Post Office Address

John Craig Whaley

Full name of third joint-inventor, if any

Inventor's signature

Date

151 Calderon Avenue #194, Mountain View, California 94041

Residence

USA

Citizenship

Same as above.

Post Office Address

Full name of fourth joint-inventor, if any

Inventor's Signature

Date

Residence

Citizenship

Post Office Address

Full name of fifth joint inventor, if any

Inventor's Signature

Date

Residence

Citizenship

Post Office Address

Full name of sixth joint-inventor, if any

Inventor's signature

Date

Residence

Citizenship

Post Office Address